

JUL 02 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON DEAN SMITH,

Defendant - Appellant.

No. 07-30256

D.C. No. CR-05-00210-RSM-002

MEMORANDUM^{*}

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON DEAN SMITH,

Defendant - Appellant.

No. 07-30257

D.C. No. CR-05-00390-RSM-001

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

Submitted June 18, 2008**

Before: REINHARDT, LEAVY, and CLIFTON, Circuit Judges.

In these consolidated cases, Jason Dean Smith appeals from the 78-month sentence imposed following his guilty-plea convictions for conspiracy to distribute marijuana, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846, and exporting defense articles without a license, in violation of 22 U.S.C. § 2278. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Smith contends that his sentence is unreasonable because the district court judge failed to consider the pain, suffering and injury caused by improper medical care he received while in prison. We conclude that there was no procedural error and that Smith's sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 995-96 (9th Cir. 2008) (en banc).

AFFIRMED.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).